

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : BRESLOW, Stuart Lee et al.
Serial No. : 09/476,448
Filed : December 30, 1999
Title : **ON-LINE TRADING SYSTEM**
Examiner : Andrew J. Rudy
Group Art Unit : 3627

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF JOHN C. STELLABOTTE

JOHN C. STELLABOTTE deposes and says:

1. This Declaration is being filed in support of U.S. Patent Application No. 09/476,448, filed December 30, 1999 (hereinafter "the Application"), to Stuart Lee Breslow et al.
2. I have been the attorney in charge of the Application at Proskauer Rose LLP from at least May 20, 2005 until the present.
3. On September 22, 2006, a Notice of Abandonment in the Application was mailed by the United States Patent and Trademark Office ("USPTO") to Gregg Goldman, in-house counsel for the assignee of the Application, UBS AG. A copy of the Notice of Abandonment is attached hereto as Exhibit A. This Declaration is being filed in support of Applicants' concurrently filed Petition For Revival Of An Application Abandoned

BEST AVAILABLE COPY

Unavoidably Under 37 C.F.R. 1.137(a) And, In The Alternative, Conditional Petition For Revival Of An Application Abandoned Unintentionally Under 37 C.F.R. 1.137(b).

Applicants respectfully submit that the error leading to the holding of abandonment occurred at the USPTO, whereby the abandonment was unavoidable by Applicants. The sequence of events in the Application leading to this point is as follows.

4. The Applicants were originally represented in the Application by the firm of Brown Raysman Millstein Felder & Steiner LLP, 163 Madison Avenue, P.O. Box 1989, Morristown, NJ 07962-1989 (hereinafter "Brown Raysman"). On information and belief, on December 21, 2004, Brown Raysman filed, on behalf of Applicants, a paper entitled "NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES." A copy of this paper, bearing the USPTO OIPE date stamp of December 27, 2004, is attached hereto as Exhibit B.

5. On January 11, 2005, the USPTO mailed an Advisory Action to Brown Raysman. A copy of the Advisory Action, bearing a "Received" stamp dated January 18, 2005, is attached hereto as Exhibit C.

6. On information and belief, on February 4, 2005, Brown Raysman filed a "REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS." This Request listed the new correspondence address as:

Gregg Goldman
UBS AG, Stamford Branch
677 Washington Blvd.
Stamford, CT 06901

A copy of this Request and a copy of the stamped return receipt postcard, showing that the USPTO received this paper on February 4, 2005, are attached hereto as Exhibit D.

7. On February 27, 2006, the USPTO mailed a "NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY" to:

Gregg Goldman
UBS AG, Stamford Branch
677 Washington Blvd.
Stamford, CT 06901

This Notice further states it is "in response to the Power of Attorney filed 02/04/2005. The Power of Attorney is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33." A copy of this Notice is attached hereto as Exhibit E.

8. On May 20, 2005, Proskauer Rose LLP, as the new legal representatives of Applicants, filed, by facsimile transmission, a **Fax Transmittal** that was executed by Mr. Juan C. Arias on May 20, 2005. At that time, Mr. Arias was a legal assistant working at Proskauer Rose LLP. Mr. Arias has since left Proskauer Rose LLP. This Fax Transmittal expressly listed four enclosed papers (1)-(4), of which paper (1) is entitled "Power of Attorney and Correspondence Address Indication Form. The Fax Transmittal and the papers (1)-(4) constitute 13 pages. A first copy of this Fax Transmittal as sent, together with a second copy indicating an "OK" Status of receipt of 13 pages on "5/20" to fax number 703-872-9306, are attached hereto as Exhibit F.

9. The papers (1)-(4) included in this 13 page transmission are:

(1) Power of Attorney and Correspondence Address Indication Form

This Power was executed by Gregg Goldman on May 20, 2005 and directed that all future correspondence be directed to the address associated with Customer Number 21890, i.e., to Proskauer Rose LLP, 1585 Broadway, New York, NY 10036. A copy of this Power is attached hereto as Exhibit G.

(2) Statement Under 37 CFR 3.73(b)

This Statement was executed by Gregg Goldman on May 20, 2005. A copy of this Statement is attached hereto as Exhibit H.

(3) Request for Continued Examination (RCE) Transmittal

This Transmittal was signed by me, John C. Stellabotte, Registration No. 47,969, on May 20, 2005. It was filed with a Certificate of Mailing or Transmission, signed on May 20, 2005, by Juan C. Arias. A copy of the RCE Transmittal is attached hereto as Exhibit I.

(4) Response to June 21, 2004 Office Action with Petition for Extension of Time and Request for Continued Examination Under 37 C.F.R. §1.114

This Response/Petition/RCE was signed by me, John C. Stellabotte, Registration No. 47,969, on May 20, 2005. A copy of the Response/Petition/RCE is attached hereto as Exhibit J.

10. Applicants have obtained a copy of the prosecution history of the Application from the USPTO. Evidently, the USPTO received all 13 pages from Proskauer Rose on May 20, 2005, and a copy of these 13 pages taken from the prosecution history is attached hereto as Exhibit K. It will be noted that:

(a) the first page, which is the Fax Transmittal, lists enclosed paper (1) as a "Power of Attorney and Correspondence Address Indication Form." Moreover, the Fax Transmittal indicates that it is being sent from:

PROSKAUER ROSE LLP
1585 Broadway
New York, NY 10036-8299
Telephone: (212) 969-3000;

(b) the second page, which should have corresponded to this "Power," is solid black;

(c) the 13th page, which is the signature page of the enclosed paper (4), i.e., the “Response,” states that the paper is being submitted by “PROSKAUER ROSE LLP, Attorneys for Applicants” by John C. Stellabotte, Reg. No. 47,969, having an address of:

PROSKAUER ROSE LLP
1585 Broadway
New York, NY 10036-8299
Telephone: (212) 969-3000

11. The prosecution history obtained from the USPTO shows that a second Fax Transmittal was faxed on June 1, 2005, listing the following documents:

- 1) **Power of Attorney and Correspondence Address Indication Form**
- 2) **Statement Under 37 CFR 3.73(b)**

A copy of this second Fax Transmittal is attached hereto as Exhibit L. Page 2, which should have been the “Power of Attorney and Correspondence Address Indication Form,” is blank except for the stamp “THIS PAGE LEFT BLANK.” Also included in Exhibit L is a copy of the second Fax Transmittal page from the Applicants’ file, indicating the successful transmission of 3 pages.

12. The prosecution history obtained from the USPTO shows that a third Fax Transmittal was faxed on July 6, 2005 listing the following documents:

- 1) **Power of Attorney and Correspondence Address Indication Form**
- 2) **Statement Under 37 CFR 3.73(b)**

A copy of this third Fax Transmittal is attached hereto as Exhibit M. Page 2, which should have been the “Power of Attorney and Correspondence Address Indication Form,” is blank except for the stamp “THIS PAGE BLANK (USPTO).” Also included in Exhibit M is a copy of the third Fax Transmittal page from the Applicants’ file, indicating the successful transmission of 3 pages.

13. Despite the instructions to address all future communications to Proskauer Rose LLP, on August 3, 2005, the USPTO mailed an Office Action in the Application to the following address:

Leslie Gladstone Restaino Esq.
Brown Raysman Millstein Felder & Steiner LLP
163 Madison Avenue
P.O. Box 1989
Morristown, NJ 07962-1989

A copy of the August 3, 2005 Office Action, faxed from the USPTO to me on October 18, 2006, is attached hereto as Exhibit N. Page 2 of the Office Action states that it is “Responsive to communication(s) filed on 20 May 2005,” that is, responsive to the papers filed by Proskauer Rose LLP.

14. As noted above, on September 22, 2006, the Notice of Abandonment (Exhibit A above) was mailed to Gregg Goldman at the following address:

Gregg Goldman
UBS AG, Stamford Branch
677 Washington Blvd.
Stamford, CT 06901

The Notice of Abandonment states that the Application is abandoned in view of Applicants’ “failure to timely file a proper reply to the Office Letter mailed on 03 August 2005.”

15. As reflected in the accompanying Declaration of Gregg Goldman, the August 3, 2005 Office Action was never received by Gregg Goldman from the USPTO or from Brown Raysman.

16. On September 27, 2006, I was contacted by Gregg Goldman, who advised me of the Notice of Abandonment and forwarded a copy to me. Mr. Goldman told me that he had never received any communication mailed August 3, 2005 from the USPTO regarding the Application, or any other communication from the USPTO regarding the Application at least since May 20, 2005.

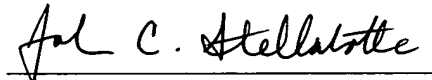
17. No written communication from the USPTO related to the Application was received at Proskauer Rose LLP prior to the Notice of Abandonment mailed September 22, 2006. I personally did not see any such communication.

18. Moreover, as reflected in the accompanying Declaration of Elizabeth Tavarez, the legal assistant employed by Proskauer Rose LLP to review and docket incoming mail from the USPTO, no such communication related to the Application was received in the ordinary course of business at Proskauer Rose LLP prior to September 27, 2006.

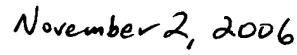
19. After receiving the Notice of Abandonment from Gregg Goldman on September 27, 2006, I immediately telephoned Examiner Rudy and other personnel at the USPTO to explain the situation and to submit that the application should not have been held abandoned. I was informed that because the Notice of Abandonment had issued, it would be necessary to file a petition to have the Application revived.

20. I immediately began preparation of such a petition and the appropriate supporting documents, including a concurrently submitted Amendment in response to the Office Action mailed August 3, 2005. As part of this effort, and in response to my request, an official copy of the Office Action of August 3, 2005 was faxed to me from the USPTO on October 18, 2006, as shown in Exhibit N.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



John C. Stellabotte



Date



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,448	12/30/1999	STUART LEE BRESLOW	4034-46	7867

7590 09/22/2006
Gregg Goldman
UBS AG, Stamford Branch
677 Washington Blvd
Stamford, CT 06901

EXAMINER

RUDY, ANDREW J

ART UNIT PAPER NUMBER

3627

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment	Application No.	Applicant(s)	
	09/476,448	BRESLOW ET AL.	
	Examiner	Art Unit	
	Andrew Joseph Rudy	3627	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 03 August 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:



Andrew Joseph Rudy
Primary Examiner
Art Unit: 3627

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 4

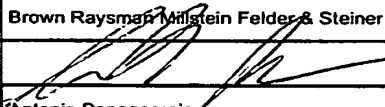
Application Number	09/476,448
Filing Date	December 30, 1999
First Named Inventor	Brestow et al.
Art Unit	3627
Examiner Name	Rudy, Andrew J.
Attorney Docket Number	4797-34 (4034-46)

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	- Post card
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	- Check (\$1090.00)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		


Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Brown Raysman Milstein Felder & Steiner LLP		
Signature			
Printed name	Antonio Papageorgiou		
Date	Dec. 21, 2004	Reg. No.	53,431

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Antonio Papageorgiou	Date	Dec. 21, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: BRESLOW, Stuart Lee, *et al.* ATTY DOC. NO. 4797-34 (4034-46)
Serial No.: 09/476,448 Examiner: RUDY, Andrew J.
Filed: December 30, 1999 Group Art Unit: 3627
Title: **ON-LINE TRADING SYSTEM**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

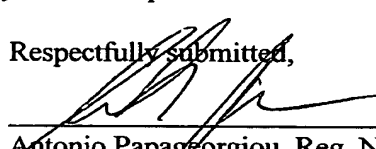
Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Final Office Action dated June 21, 2004 where the Examiner finally rejected claims 1, 15-16, 19-21, 23, and 26-39 and withdrew from consideration claims 41-64 of the present application. Applicants further request a three-month extension of time to extend the time to respond to the final office action to December 21, 2004. A response to the Final Office Action was filed November 22, 2004 with a 1.131 Declaration and with a two-month extension of time.

A check in the amount of \$1,090.00 is enclosed herewith to cover the \$500.00 Notice of Appeal fee and the three-month \$590.00 extension of time fee. The extension of time fee reflects a reduction to account for the two-month extension of time fee paid November 22, 2004 (\$1,020-\$430.00=\$590.00). The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 02-4270.

Respectfully submitted,

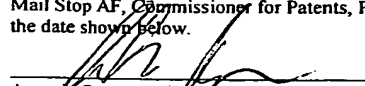
Dated: December 21, 2004


Antonio Papageorgiou, Reg. No. 53,431
BROWN RAYSMAN MILLSTEIN FELDER
& STEINER LLP
900 Third Avenue
New York, New York 10022
(212) 895-2000

12/28/2004 MBERHE 00000010 09476448

01 FC:1401 500.00 OP
02 FC:1253 590.00 OP

I hereby certify that this paper is being facsimile transmitted or deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on the date shown below.


Antonio Papageorgiou, Reg. No. 53,431
BRMFS1 547189v1

December 21, 2004
Date



UNITED STATES PATENT AND TRADEMARK OFFICE

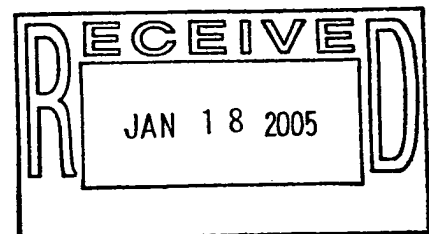
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,448	12/30/1999	STUART LEE BRESLOW	4034-46 4797-34	7867
7590 01/11/2005 LESLIE GLADSTONE RESTAINO ESQ. BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP 163 MADISON AVENUE P O BOX 1989 MORRISTOWN, NJ 07962-1989			EXAMINER RUDY, ANDREW J	
			ART UNIT 3627	PAPER NUMBER

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Entered: N/A Docketed
By: me
Action: Note -- Duplicate original
Assigned: file



Advisory Action

Application No.

09/476,448

Applicant(s)

BRESLOW ET AL.

Examiner

Andrew Joseph Rudy

Art Unit

3627

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☒ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

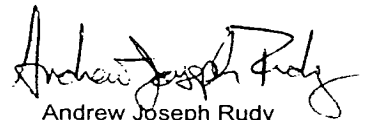
Claim(s) objected to: _____

Claim(s) rejected: _____

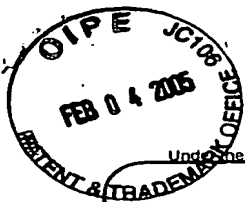
Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: The correlation between the Exhibits and claim language is not clear, e.g. "Exhibit E, pg. 19, a connectin server, e.g. proxy server, web server, brokerage access server, edgserver, etc." are not readably apparent from the drawing figure and associated words. Likewise, from claim 16, no "bonds" can be found in the descriptive portion of the Exhibits A or C. Similar problems arise from the other Exhibits. If Applicant pursues this analysis more concise support for the claim language in juxtaposition to the Exhibits is required. That is, specific direction for the alleged support must be pointed out in order to obviate the "hunting and pecking" required by the Examiner searching for the alleged support. Also, if this approach ultimately proves successful, Applicant will have to address the issue of reduction to practice in association with their filing date. Otherwise, a statutory time bar will be entertained.



Andrew Joseph Rudy
Primary Examiner, AU 3627
703-308-7808

AF 13627
JFWPTO/SB/21 (02-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

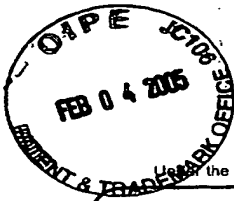
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/476,448	
	Filing Date	December 30, 1999	
	First Named Inventor	Stuart Lee Breslow	
	Art Unit	3627	
	Examiner Name	Andrew J. Rudy	
Total Number of Pages in This Submission	11	Attorney Docket Number	4797-34

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Request For Withdrawal As Attorney Or Agent And Change Of Correspondence For On-Line Trading System; Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Leslie Gladstone Restaino, Registration No. 38,893	
Signature	<i>Leslie Gladstone Restaino</i>	
Date	February 2, 2005	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Maureen Elise Kelly	
Signature	<i>Maureen Elise Kelly</i>	Date February 2, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**REQUEST FOR WITHDRAWAL
AS ATTORNEY OR AGENT
AND CHANGE OF
CORRESPONDENCE ADDRESS**

Application Number	09/476,448
Filing Date	Dec. 30, 1999
First Named Inventor	Breslow
Art Unit	3627
Examiner Name	Rudy, Andrew
Attorney Docket Number	4797/34

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please withdraw me as attorney or agent for the above identified patent application, and

- ☒ all the attorneys/agents of record.
☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or
☐ the attorneys/agents associated with Customer Number

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: A potential conflict of interest with another of the firm's clients and the present application has presented itself. The firm cannot continue prosecuting this application in light of the potential conflict.

CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☒ Change the correspondence address and direct all future correspondence to:

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Gregg Goldman				
Address	UBS AG, Stamford Branch 677 Washington Blvd.				
City	Stamford	State	CT	Zip	06901
Country	USA				
Telephone	(203) 719-3099			Fax	(203) 719-6097
Signature					
Name	Leslie G. Restaino			Registration No.	38,893
Date	February 2, 2005			Telephone No.	973.775.8930

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

4797-34

LGR

February 2, 2005

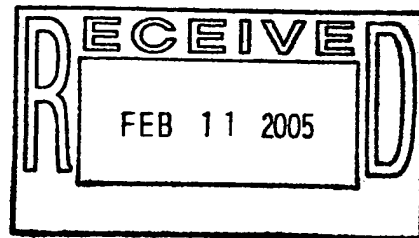
-----X
In re Application of: Stuart Lee Breslow, *et al.*
Serial No.: 09/476,448
Filed: December 30, 1999
Title: ON-LINE TRADING SYSTEM
-----X

Via First Class Mail, All Due Postage Having Been Prepaid

1. Transmittal Form (1 page)
2. Request for Withdrawal as Attorney or Agent and
Change of Address (1 page)
3. Return receipt postcard



Entered: 2.11.05 Docketed
By: mek
Action: Update Docket (Change of Address)
Assigned: file





UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/476,448	12/30/1999	STUART LEE BRESLOW	4034-46

Gregg Goldman
UBS AG, Stamford Branch
677 Washington Blvd
Stamford, CT 06901

CONFIRMATION NO. 7867



OC000000018145928

Date Mailed: 02/27/2006

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/04/2005.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

BETTY J KAMINSKY
3600 (571) 272-5958

OFFICE COPY



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**REQUEST FOR WITHDRAWAL
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AND CHANGE OF
CORRESPONDENCE ADDRESS**

Application Number	09/476,448
Filing Date	Dec. 30, 1999
First Named Inventor	Brestow
Art Unit	3627
Examiner Name	Rudy, Andrew
Attorney Docket Number	4797/34

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please withdraw me as attorney or agent for the above identified patent application, and

- ☒ all the attorneys/agents of record.
☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or
☐ the attorneys/agents associated with Customer Number

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: A potential conflict of interest with another of the firm's clients and the present application has presented itself. The firm cannot continue prosecuting this application in light of the potential conflict.

CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☒ Change the correspondence address and direct all future correspondence to:

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Gregg Goldman				
Address	UBS AG, Stamford Branch 677 Washington Blvd.				
City	Stamford	State	CT	Zip	06901
Country	USA				
Telephone	(203) 719-3099			Fax	(203) 719-6097
Signature					
Name	Leslie G. Restaino			Registration No.	38,893
Date	February 2, 2005			Telephone No.	973.775.8930

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

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PROSKAUER ROSE LLP

1585 Broadway
New York, NY 10036-8299
Telephone 212.969.3000
Fax 212.969.2900

LOS ANGELES
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BOSTON
BOCA RATON
NEWARK
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PARIS

Date May 20, 2005 Client-Matter 74622-010

Fax Transmittal

Total Pages (Including Cover) 13

From John C. Stellabotte

Sender's Voice Number 212.969.3413

Sender's Room Number 17-44

Sender's Email Address jstellabotte@proskauer.com

Main Fax Number 212.969.2900

To: Examiner: Andrew J. Rudy

Fax No.: 703.872.9306

Company: United States Patent and Trademark Office – Group Art Unit 3627 Voice No.:

Re: Inventor : Stuart Lee Breslow et al.
Serial No. : 09/476,448
Filing Date : December 30, 1999
Title : ON-LINE TRADING SYSTEM
Att'y Docket : 74622-010

Attached please find the following:

- 1) Power of Attorney and Correspondence Address Indication Form
- 2) Statement Under 37 CFR 3.73(b)
- 3) Request for Continued Examination (RCE) Transmittal
- 4) Response to June 21, 2004 Office Action with Petition for Extension of Time and Request for Continued Examination Under 37 C.F.R. § 1.114

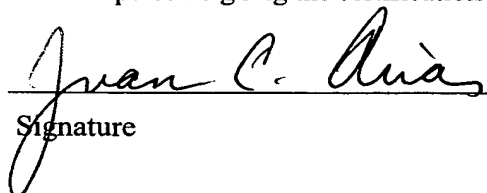
Please contact John C. Stellabotte at (212) 969-3413 if you have any questions.

FACSIMILE TRANSMISSION CERTIFICATE

I hereby certify that these papers are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Juan C. Arias

Name of person signing the certification

 May 20, 2005

Signature

Date

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JOB #008

	DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	STATUS
001	5/20	16:25	622010*7*917038729306	G3--S	05' 30"	013	OK

PROSKAUER ROSE LLP

1585 Broadway
New York, NY 10036-8299
Telephone 212.969.3000
Fax 212.969.2900

LOS ANGELES
WASHINGTON
BOSTON
BOCA RATON
NEWARK
NEW ORLEANS
PARIS

Date May 20, 2005 Client-Matter 74622-010

Fax Transmittal

Total Pages (Including Cover) 13

From John C. Stellabotte

Sender's Voice Number 212.969.3413

Sender's Room Number 17-44

Sender's Email Address jstellabotte@proskauer.com

Main Fax Number 212.969.2900

To: Examiner: Andrew J. Rudy

Fax No.: 703.872.9306

Company: United States Patent and Trademark Office - Group Art Unit 3627 Voice No.:

Re: Inventor : Stuart Lee Breslow et al.
Serial No. : 09/476,448
Filing Date : December 30, 1999
Title : ON-LINE TRADING SYSTEM
Att'y Docket : 74622-010

Attached please find the following:

- 1) Power of Attorney and Correspondence Address Indication Form
- 2) Statement Under 37 CFR 3.73(b)
- 3) Request for Continued Examination (RCE) Transmittal
- 4) Response to June 21, 2004 Office Action with Petition for Extension of Time and Request for Continued Examination Under 37 C.F.R. § 1.114

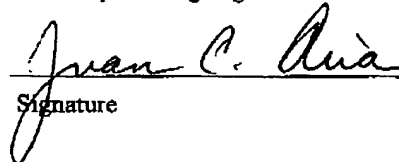
Please contact John C. Stellabotte at (212) 969-3413 if you have any questions.

FACSIMILE TRANSMISSION CERTIFICATE

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Juan C. Arias

Name of person signing the certification

 May 20, 2005
Signature Date

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PTO/SB/01 (09-04)

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**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	09/476,448
Filing Date	December 30, 1999
First Named Inventor	Stuart Lee Breslow
Title	ON-LINE TRADING SYSTEM
Art Unit	3627
Examiner Name	Andrew J. Rudy
Attorney Docket Number	74622-010

I hereby appoint:

Practitioners associated with the Customer
Number:**21890**

OR



Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:



The address associated with the above-mentioned Customer Number:

OR



The address associated with Customer Number:

21890

OR

Firm or
Individual Name

Address

City

State

Zip

Country

Telephone

Fax

I am the:



Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

Signature

Date

Name

Gregg I. Goldman

Telephone

203.719.3099

Title and Company

Director and Senior Counsel, Technology and Intellectual Property, UBS AG, Stamford Branch

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.



*Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/88 (09-04)

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Stuart L. Breslow, et al.Application No./Patent No.: 09/476,448 Filed/Issue Date: December 30, 1999Entitled: **ON-LINE TRADING SYSTEM**UBS Financial Services, Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

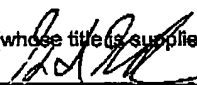
1. From: Stuart Lee Breslow et al. To: Painewabber Incorporated
The document was recorded in the United States Patent and Trademark Office at
Reel 010486, Frame 0498, or for which a copy thereof is attached.
2. From: Painewabber Incorporated To: UBS Painewabber Inc.
The document was recorded in the United States Patent and Trademark Office at
Reel 012257, Frame 0726, or for which a copy thereof is attached.
3. From: UBS Painewabber, Inc. To: UBS Financial Services, Inc.
The document was recorded in the United States Patent and Trademark Office at
Reel 014467, Frame 0783, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.


Signature
Gregg J. Goldman
Printed or Typed Name
Director and Senior Counsel, Technology and
Intellectual Property, UBS AG, Stamford Branch
Title

5/20/05
Date
203 719 3099
Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Request
for
Continued Examination (RCE)
Transmittal**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/476,448
Filing Date	December 30, 1999
First Named Inventor	Stuart Lee Breslow
Art Unit	3627
Examiner Name	Andrew J. Rudy
Attorney Docket Number	74622-010

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____

ii. ☐ Other _____

- b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other _____

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 16-2500

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☒ Other any other fee required in connection with this submission

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	John C. Stellabotte	Registration No. (Attorney/Agent)	47,969
Signature	<i>John C. Stellabotte</i>	Date	May 20, 2005

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office at (703) 812-9300 on the date shown below

Name (Print/Type)	Juan C. Arias	Date	May 20, 2005
Signature	<i>Juan C. Arias</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : BRESLOW, Stuart Lee et al.
Serial No. : 09/476,448 Examiner: RUDY, Andrew J.
Filed : December 30, 1999 Group Art Unit: 3627
Title : **ON-LINE TRADING SYSTEM**

Mail Stop - AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO JUNE 21, 2004 OFFICE ACTION
WITH PETITION FOR EXTENSION OF TIME AND
REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. § 1.114**

Sir:

In response to the Office Action mailed on June 21, 2004, Applicants submit the following amendments and remarks and request a continued examination for the above-identified application pursuant to 37 C.F.R. § 1.114. Applicants submit concurrently herewith a Request For Continued Examination Transmittal (in duplicate) accompanied by the appropriate provision authorizing payment of the required fee.

A Notice Of Appeal was timely filed on December 21, 2004. The shortened statutory period for submitting an appeal brief expired on February 21, 2004. Therefore, pursuant to 37 C.F.R. § 1.136(a), Applicants petition for a three month extension of time extending the time for response to and including Saturday, May 21, 2005. Please charge the extension of time fee and any other necessary LARGE ENTITY fees to Deposit Account No. 16-2500.

Please amend the above-identified patent application as follows:

Amendments to the Claims begin on page 3 of this paper.

Remarks begin on page 6 of this paper.

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

1-64. (Canceled)

65. (New) A computer-based system for trading financial instruments comprising:

a brokerage interface through which a client can, using a client computer, transmit and receive information such as client account information, quote information, assistance information to assist the client at the client computer in using the brokerage interface, and client order information;

a server connected to the brokerage interface for receiving from and transmitting to the brokerage interface information such as client account information, quote information, and client order information;

a mainframe computer connected to the server;

a trading system connected to the mainframe computer; and

a financial advisor computer connected to the mainframe computer,

wherein the mainframe computer is connected to the server, the trading system and the financial advisor computer for (1) transmitting to, and receiving from, either of the client computer or the financial advisor computer client information, associated with a particular client, that includes that client's account information and that client's order information, (2) determining whether that client's orders should be approved for execution based on application of predetermined, customizable business rules to that client's received account information and that client's received order information, and (3) executing approved client orders.

66. (New) The system of claim 65, wherein the assistance information is provided to the client through a trade wizard helper program.

67. (New) The system of claim 65, wherein the predetermined, customizable business rules are designed to limit the client's risk in trading financial instruments and can be applied in real time.

68. (New) The system of claim 65, wherein the mainframe computer transmits an alert to the financial advisor computer when a client of a user of the financial advisor computer has entered an order to trade a financial instrument.

69. (New) The system of claim 68, wherein the mainframe computer transmits an alert to financial advisor computer when a trade of client of a user of the financial advisor computer has been executed or blocked that includes information concerning a price at which the trade was executed or reasons why the trade was blocked.

70. (New) The system of claim 69, wherein the alert is transmitted to the financial advisor computer in real-time.

71. (New) The system of claim 68, wherein the alert is transmitted to the financial advisor in real-time.

72. (New) The system of claim 71, wherein the user of the financial advisor computer can make corrections to the information that the client transmits from the client computer to the brokerage interface.

73. (New) The system of claim 72, wherein the user of the financial advisor computer can make the corrections in real-time.

REMARKS

This Amendment responds to the Advisory Action of January 11, 2005 and the June 21, 2004 Final Office Action. Claims 1-64 have been cancelled without prejudice. All claims directed to non-elected inventions subject to previous restriction requirements are cancelled without prejudice to being presented in a divisional application. New Claims 65-73 are now presented and are pending in this application. Claim 65 is the only independent claim. Favorable reconsideration is requested.

In the June 21, 2004 Final Office Action, Claims 15, 16, 19-21, 23, 26, 27, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Breen et al. (U.S. Patent No. 6,615,188). The Advisory Action of January 11, 2005 asserted that Applicants' Response to June 21, 2004 Final Office Action, which included a declaration of prior invention submitted under 37 C.F.R. § 1.131 to establish a date of invention for the subject matter of rejected Claims 15, 16, 19-21, 23, 26, 27 and 28 prior to the October 14, 1999 effective filing date of Breen et al., did not place the application in condition for allowance.

Applicants do not concede that Breen et al. qualifies as prior art to Applicants' claims. However, as shown above, Applicants have canceled all of the prior claims without prejudice and respectfully submit that new independent Claim 65, together with the remaining claims dependent thereon, are patentably distinct from Breen et al. (regardless of whether Breen et al. qualifies as prior art) and the remaining prior art of record for the reasons set forth below.

New Claims 65-73 are directed to improvements to on-line trading systems. More specifically, Claims 65-73 are directed to aspects of the present invention that enable financial advisors to closely monitor the trading activity of their clients who trade financial instruments using an on-line system for trading financial instruments. The structure recited in

the claims specifically enables the financial advisors to *assist* their clients in making and, if necessary, *correct* trade orders in real-time.

Claims 65-73 are further directed to aspects of the present invention that apply pre-determined, customizable business rules that are used to determine whether trades should be approved for execution, including business rules that are designed to limit the client's risk in trading financial instruments and can be applied in real time.

Breen et al. is directed to an on-line system for trading financial instruments that collects orders from a plurality of order terminals, aggregates the orders by transaction type, such as buy or sell types, and also by issuer of the security so that the orders can be executed as a single transaction on an exchange that, for example, results in reducing the cost per trade. (Breen, et al., Abstract, Col. 7, l. 35 – Col. 11, l. 53.) Breen et al. teaches that orders can be received in real-time, but that the trades that correspond to those orders are preferably not executed in real-time so that orders can be aggregated into a single transaction. (*Id.*, Col. 7, l. 66 - Col. 8, l. 5.)

In contrast, new independent Claim 65 reads as follows (emphasis added):

A computer-based system for trading financial instruments comprising:

a brokerage interface through which a client can, using a client computer, transmit and receive information such as client account information, quote information, *assistance information to assist the client at the client computer in using the brokerage interface*, and client order information;

a server connected to the brokerage interface for receiving from and transmitting to the brokerage interface information such as client account information, quote information, and client order information;

a mainframe computer connected to the server;

a trading system connected to the mainframe computer; and

a financial advisor computer connected to the mainframe computer,

wherein the mainframe computer is connected to the server, the trading system and the financial advisor computer for (1) transmitting to, and receiving from, either of the client computer *or the financial advisor computer* client information, associated with a particular client, that includes that client's account information and that client's order information, (2) determining whether that client's orders should be approved for execution based on application of predetermined, customizable business rules to that client's received account information and that client's received order information, and (3) executing approved client orders.

As understood by Applicants, Breen et al. does not disclose, teach, or suggest a financial advisor computer connected as recited in Claim 65 to an on-line trading system that is capable of transmitting and receiving information that includes client account information and client order information.

Moreover, as understood by Applicants, Breen et al. does not disclose, teach, or suggest transmitting alerts and information to the user of a financial advisor computer in real-time when the user's clients enter orders to enable the user of a financial advisor computer to make corrections to the orders in real-time as recited in Claims 67 through 73. Breen, et al. also does not disclose, teach, or suggest transmitting and receiving information to assist the client in using the brokerage interface as recited in Claim 65 or where that information is provided to the client through a trade wizard helper program as recited in Claim 66.

As understood by Applicants, Breen et al. does disclose having programming an on-line system with business rules that designed for aggregating orders into a single trade (*see*, Breen et al., Col. 9 l. 62 – Col. 10, l. 38), but it does not disclose, teach, or suggest

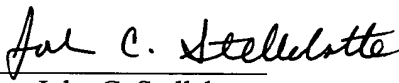
predetermined customizable business rules designed to limit the client's risk in trading financial instruments that can be customized and applied in real time as recited in Claim 67.

Applicants have found nothing in the other prior art of record that would remedy the above-noted deficiencies of Breen, et al. as a reference against the new claims.

Accordingly, the Examiner is respectfully requested to allow Claims 65-73 and to pass this application to issue.

Respectfully submitted,

PROSKAUER ROSE LLP
Attorneys for Applicants

By 
John C. Stellabotte
Reg. No. 47,969

Date: May 20, 2005

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Date May 20, 2005 Client-Matter 74622-010

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Total Pages (Including Cover) 13

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To: Examiner: Andrew J. Rudy

Fax No.: 703.872.9306

Company: United States Patent and Trademark Office - Group Art Unit 3627 Voice No.:

Re: Inventor : Stuart Lee Breslow et al.
Serial No. : 09/476,448
Filing Date : December 30, 1999
Title : ON-LINE TRADING SYSTEM
Att'y Number : 74622-010

Enclosed please find the following:

- 1) Power of Attorney and Correspondence Address Indication Form
- 2) Statement Under 37 CFR 3.73(b)
- 3) Request for Continued Examination (RCE) Transmittal
- 4) Response to June 21, 2004 Office Action with Petition for Extension of Time and Request for Continued Examination Under 37 C.F.R. § 1.114

***** F.A.C.S.I.M.I.L.E. T.R.A.N.S.M.I.S.S.I.O.N. C.E.R.T.I.F.I.C.A.T.E. *****

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Name of person signing the certification

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PTO/SB/08 (09-04)

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Stuart L. Breslow, et al.Application No./Patent No.: 09/476,448 Filed/Issue Date: December 30, 1999Entitled: **ON-LINE TRADING SYSTEM**UBS Financial Services, Inc. a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
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☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.

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The undersigned (whose name is supplied below) is authorized to act on behalf of the assignee.

Gregg J. Goldman
SignatureGregg J. Goldman
Printed or Typed NameDirector and Senior Counsel, Technology and
Intellectual Property, UBS AG, Stamford Branch

Title

5/20/05
Date203 718 8000
Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a patent by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**Request
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Transmittal**Address to:
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Application Number	09/476,448
Filing Date	December 30, 1999
First Named Inventor	Stuart Lee Breslow
Art Unit	3627
Examiner Name	Andrew J. Rudy
Attorney Docket Number	74622-010

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 16-2500

- a. ☒ RCE fee required under 37 CFR 1.17(e)
- b. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- c. ☒ Other any other fee required in connection with this submission
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	John C. Stellabotte	Registration No. (Attorney/Agent)	47,969
Signature	<i>John C. Stellabotte</i>	Date	May 20, 2005

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office at (703) 571-4300 on the date shown below.

Name (Print/Type)	Juan C. Arise	Date	May 20, 2005
Signature	<i>Juan C. Arise</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 123 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT
ATTORNEY DOCKET NO. 74622-010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : BRESLOW, Stuart Lee et al.
Serial No. : 09/476,448 Examiner: RUDY, Andrew J.
Filed : December 30, 1999 Group Art Unit: 3627
Title : ON-LINE TRADING SYSTEM

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO JUNE 21, 2004 OFFICE ACTION
WITH PETITION FOR EXTENSION OF TIME AND
REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. § 1.114**

Sir:

In response to the Office Action mailed on June 21, 2004, Applicants submit the following amendments and remarks and request a continued examination for the above-identified application pursuant to 37 C.F.R. § 1.114. Applicants submit concurrently herewith a Request For Continued Examination Transmittal (in duplicate) accompanied by the appropriate provision authorizing payment of the required fee.

A Notice Of Appeal was timely filed on December 21, 2004. The shortened statutory period for submitting an appeal brief expired on February 21, 2004. Therefore, pursuant to 37 C.F.R. § 1.136(a), Applicants petition for a three month extension of time extending the time for response to and including Saturday, May 21, 2005. Please charge the extension of time fee and any other necessary LARGE ENTITY fees to Deposit Account No. 16-2500.

MAY 20 2005 16:29 FR PROSKAUER ROSE LLP 2

TO *5595*74622010*7 P.06

74622-010
Serial No.: 09/476,448
Filed: December 30, 1999

Please amend the above-identified patent application as follows:

Amendments to the Claims begin on page 3 of this paper.

Remarks begin on page 6 of this paper.

74622-010
Serial No.: 09/476,448
Filed: December 30, 1999

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

1-64. (Canceled)

65. (New) A computer-based system for trading financial instruments comprising:

a brokerage interface through which a client can, using a client computer, transmit and receive information such as client account information, quote information, assistance information to assist the client at the client computer in using the brokerage interface, and client order information;

a server connected to the brokerage interface for receiving from and transmitting to the brokerage interface information such as client account information, quote information, and client order information;

a mainframe computer connected to the server;

a trading system connected to the mainframe computer; and

a financial advisor computer connected to the mainframe computer,

wherein the mainframe computer is connected to the server, the trading system and the financial advisor computer for (1) transmitting to, and receiving from, either of the client computer or the financial advisor computer client information, associated with a particular client, that includes that client's account information and that client's order information, (2) determining whether that client's orders should be approved for execution based on application of predetermined, customizable business rules to that client's received account information and that client's received order information, and (3) executing approved client orders.

74622-010
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66. (New) The system of claim 65, wherein the assistance information is provided to the client through a trade wizard helper program.
67. (New) The system of claim 65, wherein the predetermined, customizable business rules are designed to limit the client's risk in trading financial instruments and can be applied in real time.
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TO *5595*74622010*7 P.09

74622-010

Serial No.: 09/476,448

Filed: December 30, 1999

72. (New) The system of claim 71, wherein the user of the financial advisor computer can make corrections to the information that the client transmits from the client computer to the brokerage interface.

73. (New) The system of claim 72, wherein the user of the financial advisor computer can make the corrections in real-time.

74622-010
Serial No.: 09/476,448
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Breen et al. is directed to an on-line system for trading financial instruments that collects orders from a plurality of order terminals, aggregates the orders by transaction type, such as buy or sell types, and also by issuer of the security so that the orders can be executed as a single transaction on an exchange that, for example, results in reducing the cost per trade. (Breen, et al., Abstract, Col. 7, l. 35 – Col. 11, l. 53.) Breen et al. teaches that orders can be received in real-time, but that the trades that correspond to those orders are preferably not executed in real-time so that orders can be aggregated into a single transaction. (*Id.*, Col. 7, l. 66 – Col. 8, l. 5.)

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74622-010
Serial No.: 09/476,448
Filed: December 30, 1999

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a financial advisor computer connected to the mainframe computer,
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74622-010

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Accordingly, the Examiner is respectfully requested to allow Claims 65-73 and to pass this application to issue.

Respectfully submitted,

PROSKAUER ROSE LLP
Attorneys for Applicants

By John C. Stellabotte
John C. Stellabotte
Reg. No. 47,969

Date: May 20, 2005

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Fax No.: 703.872.9306

Company: United States Patent and Trademark Office - Group Art Unit 3627 Voice No.: 703.305.4458

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Re: Inventor : Stuart Lee Breslow
Serial No. : 09/476,448
Filing Date : December 30, 1999
Title : ON-LINE TRADING SYSTEM
Att'y Docket : 74622-010

Attached please find the following:

- 1) Power of Attorney and Correspondence Address Indication Form
- 2) Statement Under 37 CFR 3.73(b)

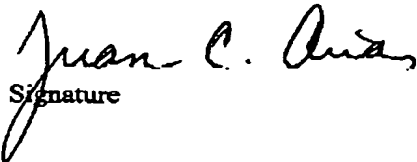
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Juan C. Arias

Name of person signing the certification



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PTO/SB/96 (09-04)

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Stuart L. Breslow, et al.Application No./Patent No.: 09/476,448 Filed/Issue Date: December 30, 1999Entitled: ON-LINE TRADING SYSTEM

UBS Financial Services, Inc. a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

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OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Gregg I. Goldman
Signature

5/20/05
Date

Gregg I. Goldman
Printed or Typed Name

203.719.3099
Telephone Number

Director and Senior Counsel, Technology and
Intellectual Property, UBS AG, Stamford Branch
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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** TOTAL PAGE.03 **

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Date June 1, 2005 Client-Matter 74622-010

Total Pages (Including Cover) 3

From John C. Stellabotte

Sender's Voice Number 212.969.3413

Sender's Room Number 17-44

Sender's Email Address jstellabotte@proskauer.com

Main Fax Number 212.969.2900

To: Examiner: Andrew J. Rudy

Fax No.: 703.872.9306

Company: United States Patent and Trademark Office - Group Art Unit 3627 Voice No.: 703.305.4458

Message

Re: Inventor : Stuart Lee Breslow
Serial No. : 09/476,448
Filing Date : December 30, 1999
Title : ON-LINE TRADING SYSTEM
Att'y Docket : 74622-010

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- 2) Statement Under 37 CFR 3.73(b)

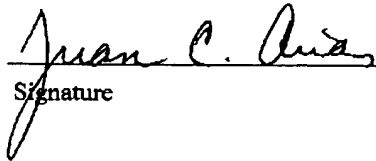
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Date	July 6, 2005	Client-Matter	74622-010	Fax Transmittal
Total Pages (Including Cover)	13			
From	John C. Stellabotte			
Sender's Voice Number	212.969.3413	Sender's Room Number	17-44	
Sender's Email Address	jstellabotte@proskauer.com	Main Fax Number	212.969.2900	
To:	Examiner: Andrew J. Rudy	Fax No.:	707.872.0786	
Transmitted	United States Patent and Trademark Office, P.O. Box 141, Union Station, New York, NY 10101			

Re: Inventor : Stuart Lee Breslow et al.
Serial No. : 09/471,648
Filing Date : December 30, 1999
Title : ON LINE TRADING SYSTEM
Att'y Docket : 74622-010

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Stuart L. Breslow, et al.

Application No./Patent No.: 03/476,448 Filing Date: December 30, 1999

Entitled: ON-LINE TRADING SYSTEM

UBS Financial Services, Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

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2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

In the patent application/patent identified above by virtue of either:

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The undersigned (who is the assignee below) is authorized to act on behalf of the assignee.

[Signature] 5/20/05
Signature Date
Gregory L. Goldman
Printed or Typed Name
Director and Senior Counsel, Technology and Intellectual Property, UBS AG, Stamford Branch
Title
203 710 3031
Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to be used by the USPTO to process an application. Confidentiality is provided by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including searching, preparing, and submitting the completed application form to the USPTO. There will vary depending upon the individual case. Any comments on the amount of time you require to complete this form or other suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1480, Alexandria, VA 22313-1480. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. (5010) TO: General Counsel for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

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From	John C. Stellabotte				
Sender's Voice Number	212.969.3413	Sender's Room Number	17-44		
Sender's Email Address	jstellabotte@proskauer.com		Main Fax Number	212.969.2900	
To:	Examiner: Andrew J. Rudy		Fax No.:	703.872.9306	
Company:	United States Patent and Trademark Office - Group Art Unit 3627 Voice No.:				
Re:	Inventor	:	Stuart Lee Breslow et al.		
	Serial No.	:	09/476,448		
	Filing Date	:	December 30, 1999		
	Title	:	ON-LINE TRADING SYSTEM		
	Att'y Docket	:	74622-010		

Attached please find the following:

- 1) Power of Attorney and Correspondence Address Indication Form
- 2) Statement Under 37 CFR 3.73(b)

Please contact John C. Stellabotte at (212) 969-3413 if you have any questions.

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Attention
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Stellabotte



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,448	12/30/1999	STUART LEE BRESLOW	4034-46	7867

7590 08/03/2005

LESLIE GLADSTONE RESTAINO ESQ.
BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP
163 MADISON AVENUE
P O BOX 1989
MORRISTOWN, NJ 07962-1989

EXAMINER

RUDY, ANDREW J

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

5

Office Action Summary	Application No.		Applicant(s)	
	09/476,448		BRESLOW ET AL.	
	Examiner		Art Unit	
	Andrew Joseph Rudy		3827	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 65-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 65-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

A

Application/Control Number: 09/476,448
Art Unit: 3627

Page 2

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 20, 2005 has been entered. Claims 65-73 are pending.

2. The previous rejection is withdrawn pursuant to Applicant's May 20, 2005 Amendment and REMARKS.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 65-73 are rejected under 35 U.S.C. 102(b) as being anticipated by Ray et al., US 6,018,722.

Application/Control Number: 09/476,448
Art Unit: 3627

Page 3

Ray discloses a real-time, e.g. col. 6, line 42, computer based system for trading financial instruments comprising a brokerage interface, e.g. 235, a server, e.g. 215, a mainframe computer, e.g. 245, a trading system, e.g. 230, a financial advisor computer, e.g. 200. It is noted that Applicant's claim language is replete with intended use claim language, e.g. for trading financial instruments, for (1) transmitting . . . orders. Intended use claim language is given patentable weight. However, it is less than that of positively recited claim language, e.g. a computer based system. Nonetheless, Ray is deemed able to carry out Applicant's intended use claim language. Applicant's May 20, 2005 REMARKS have been reviewed, but are moot in light of the new ground of rejection.

5. Further pertinent references of interest are noted on the attached PTO-892.

Conclusion

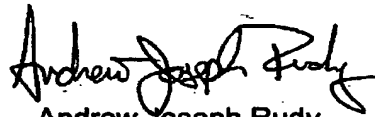
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 09/476,448
Art Unit: 3627

Page 4

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Andrew Joseph Rudy
Primary Examiner
Art Unit 3627

Notice of References Cited	Application/Control No. 09/476,448		Applicant(s)/Patent Under Reexamination BRESLOW ET AL.	
	Examiner Andrew Joseph Rudy		Art Unit 3627	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,924,083	07-1999	Silverman et al.	705/37
	B	US-6,018,722	01-2000	Ray et al.	705/36R
	C	US-6,029,146	02-2000	Hawkins et al.	705/35
	D	US-6,061,660	05-2000	Eggleston et al.	705/14
	E	US-6,556,976	04-2003	Callen, Kevin	705/37
	F	US-6,876,982	04-2005	Lancaster, Roger	705/37
	G	US-6,895,472	05-2005	Nelman et al.	711/118
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(e).)
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